

REMARKS

Claims 1-50 are pending in the Application. Claims 3, 24 and 45 are rejected under 35 U.S.C. §112, first paragraph. Claims 6-21, 27-42 and 48-50 are rejected under 35 U.S.C. §112, second paragraph. Claims 1-50 are rejected under 35 U.S.C. §103(a). The Abstract is objected for containing more than 150 words. Applicant respectfully traverses these rejections for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw these rejections.

Applicant's attorney, Robert Voigt, has been unsuccessful in reaching Examiner Gross to discuss this office action. Voice messages have been left for Examiner Gross at least on July 22nd and on July 27th.

I. OBJECTIONS TO THE ABSTRACT:

The Examiner has objected to the Abstract for containing more than 150 words. Paper No. 5, page 2. Applicant has amended the Abstract, as indicated above, to contain less than 150 words. Applicant respectfully requests the Examiner to withdraw the objection to the Abstract.

II. REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH:

The Examiner has rejected claims 3, 24 and 45 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Paper No. 5, page 2. Applicant has amended claims 3, 24 and 45 by replacing the phrase "points to" with "indicates" to clarify the claim language. By clarifying the claim language as indicated above, Applicant believes that claims 3, 24 and 45 comply with the enablement requirement. Applicant respectfully requests the Examiner to withdraw the rejections of claims 3, 24 and 45 under 35 U.S.C. §112, first paragraph.

III. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH:

The Examiner has rejected claims 6-21, 27-42 and 48-50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter with Applicant regards as the invention. Paper No. 5, page 3. In particular, the Examiner asserts that the phrase "its associated value" in claims 6, 27 and 48 lacks antecedent basis. Paper No. 5, page 3. Applicant respectfully traverses the Examiner's assertion that the phrase lacks antecedent basis. The phrase "its associated value" refers to the prior term "key" which does not lack antecedent basis.

Further, a rejection under 35 U.S.C. §112, second paragraph, is not appropriate if the scope of the claimed subject matter can be determined by one having ordinary skill in the art. M.P.E.P. §706.03(d). Applicant respectfully asserts that the phrase "its associated value" can be determined by one having ordinary skill in the art. Applicant kindly directs the Examiner's attention to page 12, line 19 – page 13, line 15 of the Specification which describes externalized strings as being an example of a value associated with a key. It is noted that this interpretation is illustrative and that the phrase "its associated value" is not to be limited to this interpretation. Therefore, the scope of the claimed subject matter can be determined by one having ordinary skill in the art. Consequently, Applicant respectfully asserts that claims 6-21, 27-42 and 48-50 are allowable under 35 U.S.C. §112, second paragraph, and respectfully request the Examiner to withdraw the rejections of claims 6-21, 27-42 and 48-50 under 35 U.S.C. §112, second paragraph.

IV. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 1, 22 and 43 under 35 U.S.C. §103(a) as being unpatentable over Khoyi et al. (U.S. Patent No. 5,206,951) (hereinafter "Khoyi") in view of Hoffman (U.S. Patent No. 6,189,137). The Examiner has further rejected claims 2-3, 5-7, 23-24, 26-28, 44-45 and 47-49 under 35 U.S.C. §103(a) as being unpatentable over Khoyi in view of Hoffman and in further view of "Perl Cookbook" by Tom Christiansen (hereinafter "Christiansen"). The Examiner has further rejected claims 4, 25 and 46 under 35 U.S.C. §103(a) as being unpatentable over Khoyi in view of Hoffman and in further view of Christiansen and in further view of Nilsen et al. (U.S. Patent No. 6,081,665) (hereinafter "Nilsen"). Applicant

respectfully traverses these rejections for at least the reasons provided below and respectfully requests the Examiner to reconsider and withdraw these rejections.

The reference Hoffman, which may qualify as prior art under 35 U.S.C. § 102(e), does not preclude patentability under 35 U.S.C. §103 since Hoffman and the claimed invention in claims 1-50 were at the time the invention was made, subject to an obligation of assignment to the same person, which in this case was International Business Machines Corporation. 35 U.S.C. §103(c). Thus, Hoffman is disqualified as being used as a prior art reference under 35 U.S.C. §103(c). Consequently, the rejections of claims 1-50 are moot.

V. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that claims 1-50 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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